

Serial No.: 10/564,102

Confirmation No.: 7195

Filed: June 19, 2006

For: DENTAL COMPOSITION COMPRISING ETHYLENE IMINE COMPOUNDS AND NON-REACTIVE ACCELERATORS

Remarks

The Office Action dated June 29, 2010 has been received and reviewed. Claims 2, 3, 8-15, 17, 19, 21, 23, and 25-28 having been amended, claims 1, 7, and 30-34 having been cancelled, without prejudice, and no claims having been added herein, the pending claims are claims 2, 3, 8-15, 17, 19, 21, 23, and 25-29. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 8, 11-14, and 28 were amended to recite specific compounds, each having an SO₂-NH group. Support for the amendment to claims 8, 11-14, and 28 may be found throughout Applicants' specification and specifically at, for example, page 9, lines 19-20.

Claims 2, 3, 8-10, 15, 17, and 26 have been amended to depend from claim 28 rather than claim 1 (now cancelled).

Claims 17, 19, 21, 23, and 25 have been amended to remove the term "substituted." Claim 27 was amended to remove the term "about."

Entry and consideration of the claim amendments are requested.

The 35 U.S.C. §112, First Paragraph, Rejection

The Examiner rejected claims 17, 19, 21, 23, and 25 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner alleged that "substituted" must be cancelled because the specification is allegedly not enabling for the skilled artisan to practice the invention. Applicants disagree. However, without acquiescing to the present rejection and merely to further the prosecution of the present application, Applicants have amended claims 17, 19, 21, 23, and 25 to remove the term "substituted," thereby rendering the rejection moot.

Reconsideration and withdrawal of the rejection of claims 17, 19, 21, 23, and 25 are requested.

The 35 U.S.C. §112, Second Paragraph, Rejection

The Examiner rejected claim 27 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner alleged that “more than about” is indefinite. Applicants disagree. However, without acquiescing to the present rejection and merely to further the prosecution of the present application, Applicants have amended claim 27 to remove the term “about,” as suggested by the Examiner, thereby rendering the rejection moot.

The 35 U.S.C. §103 Rejection

The Examiner rejected claims 1-3, 7-15, 17, 19, 21, 23, 25-28, and 30-34 under 35 U.S.C. §103(a) as being unpatentable over Eckhardt et al. (U.S. Publication No. 2003/0153726 A1) in view of Schmitt et al. (U.S. Patent No. 4,167,618). Applicants have cancelled claims 1, 7, and 30-34, without prejudice, thereby rendering the rejection thereof moot. With regard to the remaining claims, Applicants traverse this rejection for at least the reasons provided in the Amendment and Response dated March 30, 2010, incorporated herein by reference.

However, without acquiescing to the rejection and merely to further the prosecution of the present application, Applicants have amended independent claims 11-14 and 28 to recite, among other things, a compound selected from the group consisting of “p-toluene sulfonic acid N-ethyl amide, o-toluene sulfonic acid N-ethyl amide, and a mixture of o/p- toluene sulfonic acid N-ethyl amide.”

For example, amended claim 28 recites a dental composition including, among other things, (a) an N-alkyl aziridine polyether, (b) a compound having an SO₂-NH group, wherein component (b) is selected from the group consisting of p-toluene sulfonic acid N-ethyl amide, o-toluene sulfonic acid N-ethyl amide, and a mixture of o/p- toluene sulfonic acid N-ethyl amide; and (c) an initiator.

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Applicants submit that Eckhardt et al. in view of Schmitt et al. fail to disclose or suggest all of the subject matter of, for example, claim 28. For example, Applicants submit that the cited documents fail to disclose or suggest a dental composition including “(b) a compound having an SO₂-NH group, wherein component (b) is selected from the group consisting of p-toluene sulfonic acid N-ethyl amide, o-toluene sulfonic acid N-ethyl amide, and a mixture of o-/p-toluene sulfonic acid N-ethyl amide.”

The Examiner admitted that “[c]aim 29 utilizing p-toluene moiety is allowed.” Applicants submit that for at least analogous reasoning, claim 28 reciting “p-toluene sulfonic acid N-ethyl amide, o-toluene sulfonic acid N-ethyl amide, and a mixture of o-/p-toluene sulfonic acid N-ethyl amide” (emphases added) is also allowable. Nothing has been identified in Eckhardt et al. or Schmitt et al. that discloses or suggests such compounds in the recited dental composition.

For at least reasons analogous to that presented herein regarding claims 28 and 29, Applicants submit that the kits of independent claims 11 and 12 and the methods of independent claims 13 and 14 are also allowable. Each of these claims also recites, among other things, a compound selected from the group consisting of “p-toluene sulfonic acid N-ethyl amide, o-toluene sulfonic acid N-ethyl amide, and a mixture of o-/p-toluene sulfonic acid N-ethyl amide.”

Applicants submit that dependent claims 2, 3, 8-10, 15, 17, 19, 21, 23, 25-27 are also allowable over Eckhardt et al. in view of Schmitt et al. for at least the reasons provided herein and by reason of their own respective recitations.

Reconsideration and withdrawal of the rejection of claims 2, 3, 8-15, 17, 19, 21, 23, and 25-28 are requested.

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Summary

It is respectfully submitted that all of the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives at the telephone number listed below if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to the Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23rd day of August 2010.

By: Ann Muetting
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